## REMARKS

Please reconsider this application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

### Disposition of the Claims

Claims 1, 2, 4, 5, 7, and 8 are currently pending in this application. Claims 1 and 4 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

### Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 5

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,947,165 ("Kataoka") in view of U.S. Patent No. 6,469,795 ("Beaudet"). For the reasons that follow, this rejection is respectfully traversed.

At the outset, Applicant thanks the Examiner for providing detailed comments and specifically addressing each of Applicant's arguments. After carefully considering the Examiner's rebuttal, Applicant respectfully maintains that the arguments set forth in the reply filed on April 30, 2009, sufficiently demonstrate the patentability of the pending claims over the cited references. In particular, as discussed in more detail below, Applicant respectfully asserts that the cited references, whether considered separately or in combination, fail to show or suggest at least the limitation that "the copy control means of the printer calculates the capacity of an available storage area required for executing the copy control processing based on the copy condition information contained in the interrupt start command information, and the copy condition information can be changed in accordance with an operation performed by the user," as required by independent claim 1.

Independent claim 4 recites substantially similar limitations, and is, therefore, patentable for at least the same reasons.

It is undisputed that Beaudet does not show or suggest the aforementioned limitations of independent claims 1 and 4. Thus, the only remaining point of contention is whether Kataoka shows or suggests the same. In the "Response to Arguments" section of the instant Office Action, the Examiner asserted the following:

> [a]ccording to Kataoka, whenever the data is fully accumulated in the image memory, the memory is analyzed to determine if the capacity is less than the predetermined volume, which is used to execute printing when the memory, which includes the print data, is below the predetermined volume, so that the data is printed from the memory one page at a time.

Applicant does not disagree with the Examiner's analysis of Kataoka's copy process. Applicant, however, respectfully asserts that Kataoka's copy process (as described in col. 5, lines 25-45 of Kataoka and summarized by the Examiner above) is distinguishable from the specific features required by independent claims 1 and 4.

The Examiner emphasizes that Kataoka's copy process involves determining whether the remaining memory capacity is greater than a prescribed value before executing printing, and that this comparison between the available memory capacity and the prescribed value is equivalent to the calculation required by independent claims 1 and 4. Applicant respectfully disagrees with the latter assessment. Independent claims 1 and 4 expressly recite, in part, that the copy control means "calculates the capacity of an available storage area *required for executing the copy control processing*," and this calculation is "based on the copy condition information contained in the interrupt start command information." Kataoka fails to disclose at least these limitations.

Referring to the specification, for example, in one or more embodiments of the claimed invention, the control section 41 calculates, based on the copy description specification information contained in the interrupt command information, the required memory capacity for executing the copy control processing. *See, e.g.,* paragraph [0062] of the specification ("the control section 41 in the printer 13 can calculate the memory capacity required for performing processing to make a copy of the original whose interrupt copy is to be made."). Thus, the claimed invention does not merely calculate generally available memory capacity as set by a user; rather, it calculates how much memory capacity is *required for executing* the copy control processing.

The above calculation feature of the claimed invention is clearly distinguishable from Kataoka's copy process, which merely determines whether there is a certain percentage (*e.g.,* 50%) or more of vacant memory space *without specifically calculating how much memory capacity is required for executing copy control processing*. Therefore, Applicant respectfully asserts that Kataoka fails to show or suggest at least the aforementioned limitations of independent claims 1 and 4, *i.e.,* that the copy control means "calculates the capacity of an available storage area *required for executing the copy control processing,*" and that this calculation is "based on the copy condition information contained in the interrupt start command information." Because Beaudet fails to supply that which Kataoka lacks, combining the two references necessarily cannot establish obviousness under 35 U.S.C. § 103(a).

In view of the above, Kataoka and Beaudet, whether considered separately or in combination, fail to show or suggest all the limitations of independent claims 1 and 4. Therefore, independent claims 1 and 4 are patentable over Kataoka and Beaudet. By virtue of their

dependence, the remaining claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 7 and 8

Claims 7 and 8 stand rejected under § 103(a) as being unpatentable over Kataoka in view of Beaudet as applied to claims 1 and 4, and further in view of U.S. Patent No. 6,449,056 ("Mishima"). For the reasons that follow, this rejection is respectfully traversed.

As explained above, independent claims 1 and 4 are patentable over Kataoka and Beaudet. Because it is undisputed that Mishima fails to show or suggest that which Kataoka and Beaudet lack with respect to those claims, claims 7 and 8 are patentable over Mishima, Kataoka, and Beaudet by virtue of their dependence to independent claims 1 and 4. In addition, as explained below, the limitations recited in claims 7 and 8 are patentable over the cited references in their own right.

Claims 7 and 8 recite, in part, "when the calculated predicted time exceeds a stipulated time which the user can set, insufficient memory notification information is transmitted, and when the calculated predicted time is equal to or less than the stipulated time and an elapsed time since an execution time of calculating the predicted time matches the predicted time, the copy control processing is executed." On pages 7-8 of the instant Office Action, the Examiner argued that Mishima discloses these limitations at col. 17, lines 16-42 and FIGS. 23-24. Applicant respectfully disagrees.

First, Mishima fails to disclose that a user can enter a stipulated time, as required by claims 7 and 8. Second, unlike the claimed invention, Mishima merely compares available memory

space with the total capacity required by an image data that the user tries to register; although Mishima does indeed disclose displaying a notification that memory space is insufficient and predicting a time at which memory space will become available, it is completely silent with respect to comparing a stipulated time value with a predicted time value as required by claims. Therefore, Mishima, like Kataoka and Beaudet, fails to show or suggest at least the aforementioned limitations of claims 7 and 8.

In view of the above, claims 7 and 8 are patentable over Mishima, Kataoka, and Beaudet, whether considered separately or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

    Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/129001).

Dated: October 14, 2009     Respectfully submitted,

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